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Counsel to the Debtors and  
Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

----- x  
In re: : Chapter 11  
:   
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)  
et al., :   
:   
Debtors. : Jointly Administered  
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**DEBTORS' OBJECTION TO CLAIMANT MARLON MONDRAGON'S MOTION FOR  
CONTINUANCE OF OBJECTION TO PLAN AND REQUEST TO ADJOURN THE  
CONFIRMATION HEARING SCHEDULED FOR SEPTEMBER 8, 2010**

The debtors and debtors in possession in the above-captioned cases (collectively, the "Debtors")<sup>1</sup> hereby object (the

<sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky (cont'd)

"Objection") to the Motion of Marlon Mondragon ("Mondragon") for Continuance of Objection to Plan (the "Motion") and request to adjourn the confirmation hearing currently scheduled for September 8, 2010 (the "Confirmation Hearing"). In support of the Objection, the Debtors respectfully represent as follows:

**BACKGROUND**

**A. The Reconsideration Motion.**

On April 21, 2010, Mondragon filed his Motion for Reconsideration and to Permit the Filing of a Class Proof of Claim (D.I. 7253, the "Reconsideration Motion"). The Reconsideration Motion was originally scheduled for hearing on July 12, 2010 and was adjourned, by agreement of the parties, to September 27, 2010. The email evidencing the agreement of the parties to adjourn the Reconsideration Motion is attached hereto as Exhibit A.

**B. The Confirmation Hearing And Mondragon's Objection.**

On August 9, 2010, the Debtors and the Creditors' Committee filed the Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors In Possession and its Official Committee of Creditors Holding General Unsecured Claims (the "Plan").

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*(cont'd from previous page)*

Venture Corp. (0311), PRAHS, INC. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512). The address for the Debtors is 4951 Lake Brook Drive, Suite #500, Glen Allen, VA 23060.

On August 25, 2010, the Debtors filed a notice stating that the Confirmation Hearing would proceed on September 8, 2010 and served such notice on all parties who had filed an objection to confirmation.

On November 16, 2009, Mondragon filed his Objection to Confirmation of First Amended Joint Plan of Reorganization (D.I. 5745). Concurrently with the filing of the Motion, on September 2, 2010, Mondragon filed his Objection to Confirmation of Second Amended Joint Plan of Reorganization (D.I. 8432, collectively with D.I. 5745, the "Confirmation Objection").

#### **OBJECTION**

By the Motion, Mondragon seeks an adjournment of the Confirmation Hearing until September 27, 2010. In support of the Motion, Mondragon states that the Reconsideration Motion and the Confirmation Objection "have been adjourned by agreement of the parties to September 27, 2010." And, Mondragon submits that his counsel is unavailable.<sup>2</sup>

The Debtors object to the Motion for two primary reasons. First, the Debtors submit that there was no agreement to adjourn Mondragon's pending confirmation objection. Indeed, as demonstrated by the email correspondence between counsel to

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<sup>2</sup> It is worth noting that, as evidenced by the signature block at the end of the Motion, Mondragon has retained three separate law firms and at least four different attorneys to represent him in this matter, all of which have prior commitments that conflict with the Confirmation Hearing.

the Debtors and counsel to Mondragon, a copy of which attached as Exhibit A hereto, the only matter referenced in the email was the Reconsideration Motion; there was no discussion of Mondragon's pending Confirmation Objection. More importantly, there was no agreement to adjourn such objection to September 27, 2010.

Second, the Debtors believe that it is in the best interests of their estates and creditors to proceed with confirmation on September 8, 2010 as scheduled and, in conjunction therewith, for the Court to rule on the Confirmation Objection. The Debtors believe that this Court can adequately address the Confirmation Objection based on Mondragon's written submissions.

For the foregoing reasons, the Debtors submit that this Court should deny the Motion and proceed with confirmation on September 8, 2010.

**CONCLUSION**

For the foregoing reasons, the Motion should be denied.

Dated: September 3, 2010      SKADDEN, ARPS, SLATE, MEAGHER &  
Richmond, Virginia      FLOM, LLP  
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Counsel for Debtors and Debtors  
in Possession

**Kumar, Jessica S (CHI)**

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**From:** Kumar, Jessica S (CHI)  
**Sent:** Tuesday, June 29, 2010 11:54 AM  
**To:** 'Gary Graifman'; 'gmason@masonlawdc.com'  
**Cc:** 'MBusman@busmanandbusman.com'; Fredericks, Ian S (WIL)  
**Subject:** RE: Mondragon Motion for Reconsideration

Gary,

Thanks. The 27th sounds good. A stipulation is not necessary. The Debtors will simply provide on the agenda of the July 12 hearing, and inform the court at the hearing, that the hearing on the motion has been adjourned to September 27th with a response deadline of September 20th by agreement of the parties.

Thanks,  
Jessica

**Jessica S. Kumar**  
Associate, Corporate Restructuring  
Skadden, Arps, Slate, Meagher & Flom LLP  
155 North Wacker Drive | Chicago | Illinois | 60606-1285  
T: 312.407.0612 | F: 312.827.9333  
[jkumar@skadden.com](mailto:jkumar@skadden.com)

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**From:** Gary Graifman [mailto:[ggraifman@kgglaw.com](mailto:ggraifman@kgglaw.com)]  
**Sent:** Tuesday, June 29, 2010 11:51 AM  
**To:** Kumar, Jessica S (CHI); 'gmason@masonlawdc.com'  
**Cc:** MBusman@busmanandbusman.com  
**Subject:** RE: Mondragon Motion for Reconsideration

Jessica. The best date for us is September 27<sup>th</sup>. Do you want to prepare a stipulation?

GARY S. GRAIFMAN

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GARY S. GRAIFMAN  
Kantrowitz Goldhamer & Graifman, P.C.  
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**From:** Kumar, Jessica S [mailto:[Jessica.Kumar@skadden.com](mailto:Jessica.Kumar@skadden.com)]

**Sent:** Tuesday, June 29, 2010 10:51 AM  
**To:** 'gmason@masonlawdc.com'; Gary Graifman  
**Cc:** Randy Perlmutter  
**Subject:** RE: Mondragon Motion for Reconsideration

All -

The following are the upcoming hearing dates in late August and September.

August 23 at 2 pm ET  
August 31 at 10 am ET  
September 8 at 2 pm ET  
September 27 at 2 pm ET

Let me know which date works best for you and we will provide on the agenda for the July 12 hearing that the motion has been adjourned. The Debtors' response deadline will be set 7 days before.

Thanks so much,  
Jessica

**Jessica S. Kumar**  
Associate, Corporate Restructuring  
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T: 312.407.0612 | F: 312.827.9333  
[jkumar@skadden.com](mailto:jkumar@skadden.com)

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**From:** Kumar, Jessica S (CHI)  
**Sent:** Monday, June 28, 2010 1:05 PM  
**To:** 'rperlmutter@kgglaw.com'; 'gmason@masonlawdc.com'  
**Subject:** Mondragon Motion for Reconsideration

Randy and Gary -

I've left you voice messages, but in the interest of time, I just wanted to send you an email to follow up. The Debtors and the Court are currently very busy with Plan and confirmation matters. As you may be aware, the Court has ordered mediation regarding the Plan. Given that the Debtors are very focused on these issues at this time, the Debtors are requesting that you agree to adjourn the hearing on Mondragon's motion until the August 23 hearing (scheduled for 2:00 ET) and the response deadline to 7 days before. If that date doesn't work, we can find an alternate date - possibly August 31 at 10:00 ET. This adjournment would not prejudice Mr. Mondragon and the Debtors would obviously not use the adjournment in any way in its response to the motion. Please advise if this is agreeable.

Thanks so much,  
Jessica

**Jessica S. Kumar**  
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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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